THE TRIAL OF THE

WASHINGTON ELECTION RIOTERS.

[FROM SUTTON'S REPORT.]

CRIMINAL COURT FOR THE COUNTY OF WASHINGTON.

> JUDGE CRAWFORD, Presiding.

PHILIP BARTON KEY, ESQ., U. S. D. A.

COUNSEL FOR THE DEFENCE. JOSEPH H. BRADLEY, SR., ESQ. ROBERT E. SCOTT, ESQ. VESPASIAN ELLIS, ESQ. JOHN A. LINTON, ESQ. WILLIAM J. MARTIN. Eso. OSEPH H. BRADLEY, JR., ESQ. DANIEL RATCLIFFE, Esq. EDWARD C. CARRINGTON, ESO.

> FOURTEENTH DAY. WEDNESDAY, August 12, 1857.

SPEECH OF

ROBERT E. SCOTT, Esq.

IN THE DEFENCE.

Mr. SCOTT. My associates tell me that the Mr. SCOTT. My associates tell me that the number of votes exceeds the number of minutes in that duration of time, and among them, the gentleman concedes, are to be found many names peculiar to other lands, indicating that the voters were from foreign parts, and yet my learned friend, with that poll book in his hand, pregnant with this truth, gets up and argues to this jury that the poll book shows that that rioting continued from morning till noon and that during jury that the poll book shows that that rioting continued from morning till noon, and that, during the whole day, the Plug Uglies had possession of the polls. I beg my friend to remember that he is conducting a criminal prosecution, where justice and fair play, if not liberality, are exexpected. He says, that he comes to his conclusion because he understood it was proved that more than a hundred Irishmen were driven from the relie in the morning and he does not see a the polls in the morning, and he does not see a hundred Irish votes on that poll afterwards. Now, It us test the gentleman's logic. The Irish were frightened and driven away; the poll book shows that only a part of them returned; a part k pt away, and therefore, yes, therefore, the gentleman argues because this party kept away the riot continued. Now, sir, I think this is a most extraordinary course of reasoning. It might be that the riot o m nated, and that those parties acting up on their apprehension did not to choose return They were afraid, and did not choose to expose themselves to the chance of danger afterwards. Order was restored, the peace was kept, quiet prevailed, and they could have voted in security, if they had de-sired to do to, but their fears kept th m away, and for that reason, their names do not appear on the poll book. Is it evidence of a continuation o this riot that their names are not there? I say, surely my friend on the other side must have for gotten that he is prosecuting these parties crim-nally, or he would not have indulged in an argu-ment so strange as this, and so false in its conclu-sions. He said Mr. Donn proved that there were ces from time to time during that day. Suppose there were—sporadic cases—but does it prove that there was an epidemic. Concede that there was an affray in the morning; does every disturbance during the day make the continuation of a riot? It strikes me as a little absurd. But he says—justice-policeman Donn said he saw many cases of Irishmen driven away. Now, Mr. Donn was not the only person at the polls. He was not the only one who had eyes to see, and ears to car. The commissioners were there, and we examined them. Other persons were there, and we have examined many of them, and save the single case examined many of them, and save the single case of one Irishman who attempted to vote on false papers, during the entire period which elapsed from the morning affray until the appearance of the Marines, there was not, about that precinct, one case of disturbance at the polls. We disprove the testimony of Donn, by bystanders. We disprove it by the testimony of the commissioners, and much as the United States may choose to denou ace and condemn them for their act in closing the polls, about which I shall presently have to say something, he has not undertaken to assail their character for truth and veracity. Two of them character for truth and veracity. Two of them were of the American party; the other was an Englishman, and I believe it is not usual for the commissioners to belong to the same party. Of that, the jury areable to judge. But whether they en or Americans, native or democrat, that those disturbances continued all day. If they did continue in the manner described by Donn, they do not constitute a continuous rioting. I must confess I was not prepossessed with the manner of that witness in giving his testimony. He looked to me as if he once belonged to the Know-Nothings. His was the zeal and acting of a new recruit. Take his conduct as detailed by himself Nothings. His was the zeal and acting of a new recruit. Take his conduct as detailed by himself. One renegade is worse than ten Turks. There was no connection, gentlemen of the jury, between those two cases. I have the authority, and it is

tation of favor.

Between nine and ten o'clock of the morning of the first of June, this affray occurred at the first precinct of the Fourth Ward, in the manner that I have explained. Information of it was carried to the Mayor of your city. After some carried to the Mayor of your city. After some delay, the Mayor, in an open barouche, accompanied by Mills, the captain of the Auxiliary Guard, and by Goddard, the witness who has already figured in the case, drives to the scene of the disturbance. He does not descend from the barouche, nor does Goddard. According to his own account, he spoke to Mr. Wheeler, the father of the Tax Collector. He spoke to no one else; he commands no peace; he cautions no disturber of the peace; he sets up no authority; but sits quietly and peaceably in his barouche, where he is left undisturbed with his associates. The Commissioners made no complaint to him; he made no enquiry of them; but he puts out the Captain of the Auxiliary Guard, and in company with Goddard drives off to the Navy Department. The Captain of the Auxiliary Guard, 1 say, was left upon the ground, but we do not bear that he was Captain of the Auxiliary Guard, I say, was left upon the ground, but we do not hear that he was called upon to quell any riot, or that any disturbance occurred. No, and they have not dared to put that man on the stand. If there was a riot or a disturbance there, Captain Mills must have seen it. He was a city officer, brought there by the Mayor, left there by the Mayor, obliged to see a disturbance, if disturbance there was, and this prosecution has not ventured to call him to the stand. Now, gentlemen, what was the condition of things about these polls at the time of the Mayor's advent. Was there rioting there? If there was, he ought to have commanded peace. Were there disturbers of the peace there? If there were, he ought to have had them arrested. there was, he ought to have commanded peace. Were there disturbers of the peace there? If there were, he ought to have had them arrested, or to make the attempt, at any rate—certainly to have given a caution and to have commanded peace; but he did none of these things, and for the best of all reasons, as the proof shows there was no disturbance of the peace. He says that the voting had not been resumed. Now, I do not mean to charge that your Mayor swore faisely; but I do mean to say, if we are to respect human testimony upon a contested matter of fact, it is provided in this case that whilst the Mayor was testimony upon a contested matter of fact, it is proved in this case that whilst the Mayor was

that disturbance, as I attempted to examine into the morning affray, trace it from its origin, and point out the parties that are responsible for

This I mean to do without fear, or any expec

was present, there was any disturbance or breach f the peace, save only the Mayor himself.

If the peace, save only the Mayor himself.

The Mayor, it will be romembered, never descended from his barouche; but if a party was violating the prace, why were not the police in the execution of their duty; wly was not a warning spoken; why was not the peace proclaimed? It is vain and idle, it seems to me, to pretend that an intelligent tribunal, in the face of this mountain of proof, these facts piled up in this case, can believe the Mayor's statement. True or false, that was just after the morning shindy. It is proved that the I a timoreans had left the ground. I believe they were needed for a riot at that time in heve they were needed for a riot at that time is the Seventh Ward, for the District Attorney ha ome other indictments on his docket. I suppose when they come to be tried, my friend will prove that these visitors from Baltinor; were rioting at the Second Ward; whilst her; he is attempting to prove they were rioting at the Fourth Ward and whatever he may attempt, God knows he car get witnesses here to prove anything. But, I re-peat, that for the purposes of this case, for i's fair consideration and its just decision, we lave estab lished what was the condition of things when the Mayor came to the polls: the "Plugs" were absent Nay, the Mayor proves it himself, because he said, as he drove up the avenue in the exercise of his duty, which required him to look to the condition of the city, all the time streaking it to the Navy Department, he met a party of rowdies who hur-raed on their way to the other polls. Now, I ap-prehend they were the "Plugs;" so that the Mayor himself discloses that important fact, though he does not say that they were. According every probability, the party engaged in the morning shindy had left the ground, and that is in accordance with all the testimony.

He had no reason tor his excursion, but he drove

up the city on official business. "What did you go for?" "On official business." "To see what wa the condition of the highways of the city, and to visit the western part of the city on official business." Now we know what his official busines was as well as he did himself. We all knew h was running to the Navy Department to have the Marines called out. Wa- there a reason for it as there a cause for it—a reason sanctioned by y may be called out, but it must be in extrem That is the law of England, where military cases. That is the law of England, where military law prevails to a greater extent than I hope to see it prevail here. To quell riots, to quiet affrays, to disperse unlawful assemblages, and to keep the peace, is the appropriate duty of the civil authority. In England it is so. You have heard the law as it has been expounded, gentlemen, already by the learned judges of England, in some of the cases quoted in the argument; on the law points. ases quoted in the arguments on the law points in this country it is so. These duties pertain to the civil auth rities. The military may be called or in England lawfully where there is just cause; it cause for it; but it can only be legitimately used when t e civil authority is overpowered, or is una-ble from weakness, to quell the disturbance. That I understand to be our law as well as the law of England. I understand it to be the law laid down in the instructions, as explained by his Honor, t

which I will call your attention hereafter.

Now, was there cause for it in this case? Wha was the pretext? What was the condition o thing at the polls of the first precint of the Fourth ng there on the Mayor's visit? Gentlemen argue this question to you? Is it not almo in insult to your understanding to argue the question to you, to tell you that there is no proof that there was such a disturbance or breach of the peace or riot at the first precinct of the Fourth Ward when the Mayor visited it that could not be quelled by the civil au horities? But he made his visit to the Navy Department and thence to the President's mansion: he made his representations there verbally: he was required to put them in writing; he came back to his office at the City Hall; he had an affidavit prepared for Mr. Goddard and administered to him the oath himself. It was sworn to before Mayor Magruder He then ind ets a letter to the President. Now gentlemen, you will perceive that a good deal of time must have elapsed. He had to go first to the scene of disturbance, thence to the Navy Department, thence to the Executive mansion; he had t have his conversation with the Secretary of the Navy, and his conversation with the President of the United States, and they had to have their con-saltation. It had to be determined up n what authority an order should be granted; and when all these things had been discussed, understood and decided, the Mayor came back to his offic and decided, the mayor came back to his office here at the City Hall. I suppose he had Mr. Goddard always at hand—his affidavit man—or else he would have to hunt him up. I do not know how that was. But the affidavit had to be written and sworn to, and a long epistle to the President had to be written and copied. Time was taken to do all these things; how much time could not ex-actly be ascertained, because his Honor ruled out acty of ascertain d, occuse his Honor ruled out the tet imony which we thought would tend to fix the time. I have to argue, then, from circum-stances to get at the time, and I think I have fixed circumstances enough to show you that the time was considerable, not less than two hours. I betieve the order was got to the Navy-yard at half or all of the circumstances before recited existed, past twelve o'clock. An hour and a half or two hours were consumed. Mr. Lenox could have ennot have been left to speculate upon it. An bou and a half or two hours, then, were consumed be fore the order for the Marines was obtained.

Now, if the polls were not closed in the more

ing, and the contrary is in proof, were they closed when he wrote his letter to the President, and Goddard swore to his affidavit? Was rioting going on then? Will the District Attorney argue that rioting was going on then? Is it to protect these parties from the visitation of the consequences of this act that the zeal of my friend, the District Attorney, was so much excited that be attempted those two cases. I have the authority, and it is pretty strong authority, of the court, on which I will comment when I come to his Honor's decision on the instructions. But if there were a connection, can we be convicted of a riot; and that brings up the more immediate subject of the bloody tragedy on the 1st of June. It becomes my duty as counsel for the accused, to examine into the origin of the distributions. to show, that it was going on when the voting was-proceeding at the rate of more than a man to

I say again, if human testimony is to be re pected; if it can prove anything, and establish any fact, the testimony in this case has established that when this affidavit was sworn to, and this

of this city officer. His Honor has decided, and we accept the decision, as the law of this case, responsibility, by the fact that he was not bound to investigate the truth of this matter personally, and had a right to act upon the testimony below him. I am not here to question the correctness of that decision, but I must be permitted to say, see-ing that the riot was alleged to be almost at his own fore, there is no legal complaint against him for not doing it; and yet, as a free citizen of the scountry. I, like others, may entertai i my own opinions, and rogret that it had not occurred to one or the other of these Executive Officers to discharge the simple duty of making an enquiry as to the truth of these allegations of a riot. Certain it is the statement was untrue, and there was not a man in the city of Washington who would not have informed him it was untrue, if called upon. Certainly, his Marshall would have informed him it was untrue, if called upon. Something was said a false statement as to what had not occurred. He, however, got the Marines under that false evidence, and there is no escape from it. I say be got under that false pretext an order for the marine corps, who were at your Navy Yard, and not only that, but an order couched in most extraordinary terms, setting mut in what manner this corps should be armed, leaving no discretion to the experienced officer who had charge of it, commanding them to rake up every man, even to the waiter, the cook, the obsoluble with the bloody order in his pocket and these ready tools to execute his behests, this city official

ran to him to call out the military. "Whe the Marshall," enquired General Jackson. and tell the Marshall I will hold him respon "Where is for the peace of this city." There spoke Old Hickory, and there spike a man of ability; ex-perienced in w.r., with the knowledge of its hor-rors, who knew what it was to turn loose upon an excited, perhaps an unarmed people, the hireling so diery with arms in their hands. I say thus spoke so diery with arms in their hands. I say thus spoke Old Hickory. Unfortunately, thus did not speak Young Hickory spoken as Old Hickory did, the slaughter of your fellowcitizens would have been avoided; crime would have been prevented; the blood of slaughtered citizens would not have been dripping from the hands of the murderers, who have been called to testify in this case. The President is justified by the law, though, in issuing the order. He can plead in his excuse Goddard's affidavit and the Mayor's letter. That is the decision. But, if he had the letter. That is the decision. But, if he had the letter. That is the decision. But, it he had the right, upon this representation, to order out this military force, and is not responsible for the imposition upon him, can the same be said of the city officials who p acticed the imposition? Did they practice an imposition? You heard Goddard's affidavit read. You have heard the Mayor's and I do not know that I will consume letter read. I do not know that I will consume your time by reading them again, but I will state what you will v-rify when this case is entrusted to you, that both the affidavit and the certificate spoke of affairs as they were alleged to have-existed at the time of their preparation. They both represent, that, at the time of their preparation, the polls of the first precinct of the Fourth ward were in possession of rioters; that the commissioners were driven away from them; that the law was defied, and by persons in such strong force. sioners were driven away from them; that the was defied, and by persons in such strong force, that it was impossible for the city authorities to quell them. They stated those facts. Now, every that they are false. I do mun on the jury knows that they are false. I do not care who he is; every man within the sound of my voice knows that the statement is false Now, if the President and the Secretary of the Navy can plead the imposition as a defence against Navy can plead the imposition as a defence against their legal re-ponsibility so fir as they are concerned, can the city officials, who practised the imposition, escape its consequences? His Honor says, for example, that the Mayor of this city, who is a peace officer, had the right to make the requisition on the military arm of the government, and to use it at his discreti n in a proper case; that as a matter of course, it was a discretionary power; he was the judge of the occasion; to exercise the power or to refrain from its exercise. ercise the power or to refrain from its exercise. C. rtainly, the power existed. It was in the discretion of the officer to resort to it or not, and that I understood the learned judge to declare in his instructions; but it does not follow because

this was a discretionary power, that the Mayor is not responsible for his action. The DISTRICT ATTORNEY. I do not under tand the instructions of the court as you do Mr. SCOTT. I cannot see how they can be understood any other way. Is it to be believed that the Mayor, because he has the discretion to call out the military, is not responsible in law for the exercise of that discretion. That is much beyond what any other judge would go, and much

evond what this judge has gone. The DISTRICT ATTORNEY. I merely inter rupted the gentleman, to state the fact in this case. Your Honor has told the jury that with the case. Your Honor has told the jury that with the necessity which induced the Mayor to make application for the Marines, this jury has nothing to do, except in one particular, and that is, if they believed that the Marines made an assault upon the rioters; and on that point, I have spoken be-

The JUDGE. The terms of the decision on the structions, are these:

"Although the act of the Executive in this case
as authorized by law, and required by duty, and the Mayor was using a discretionary power when he applied for military aid—the single fact that he, and he alone, and every officer similarly situated, must decide when the proper time has arrived to make such an application, shows that he ap-plies at his discretion; still the inferior officer must, in the first instance, resort to the civil power, (and sometimes it may be material to know if he has done so,) but if it be too weak to suppress a riot, or if it will not aid to do so, or if the riot or turbance be so great, so violent, so dangerouthat it must be apparent that any attempt at quel-ling it by civil officers would be futile, that such

an attempt must be unsuccessful, and would be followed by the scoffing and derision of those who attempted it, and by increased tumult—then I think resort may be had at once to stronger means, without full or further recourse to the civil power.
"If you should believe, from the evidence you have heard, that the Marines made the first attack on the alleged rioters, and that, whatever of violent and turbulent conduct and acts proceeded from the and turbulent conduct and acts proceeded from the defendants, or any of them, or others, connected with them, were resorted to in resistance to such attack, then it will be your duty (in enquiring whether the defendants were guilty of a riot at this particular time, or hour of the day, for you will recollect the alleged rioting in the morning, if you believe the evidence on this branch of the case, was whol-ly unconnected with the Marines in any shape, ex-cept so far as it was the ground on which the Marines were brought out,) to secertain whether any or all of the circumstances before recited existed, so as to authorize or justify the use of force, and resistants. But if you evidence in the case that the Marines, after their arrival at the polls, where they were legally, without any offensive or violent act on their part, were first assailed in a violent and turbulent manner, to the terror of the people, according to previous concert, whether remote or immediate, by the de fendants, or any of them, with or without connec

tion with others not on trial, making not fewer than three assailants, for the purpose of dispersing the Marines against all opposition, then the de-fendants, or so many of them as thus assailed the Marines, would be guilty of a riot." The DISTRICT ATTORNEY. That leaves

open, then.

Mr. SCOTT. I could not attribute to this intelligent court the decision that a petty corpora-tion officer, though he was a peace officer, was not responsible to the law for the manner in which he exercised his power and discharged his that when this affidavit was sworn to, and this communication to the President was written, much more when they were delivered, that there was no such atate of things as they set forth, prevailing at all. A jury of Democrats of the rankest kind would be obliged to find that fact.

There was no rioting then, but men were voting at that precinct, and their votes were being received at the rate of more than a man to a minute. Yet the affidavit was sent to the Executive Department, and the communication was delivered to the President of the United S ates by the hands of this city officer. His Honor has decided, and we accept the decision, as the law of this case. he not be responsible, therefore, in acting according to his discretion? The books contain a case that that affidavit and that written request justified the President, in point of law, (and that is all that his Honor could decide,) in ordering out the marines. Unquestionably, the President was imposed upon and deceived. If he had known the solution of the solution o Payne's English reports, in Rex sersus Pinney, p. 561—uses this language: "Now, a person, whether a magistrate or a peace officer, who has the true state of things, surely he would not have given the order; and if he had known the true state of things, his Honor would not have decided that he had the lawful suthority; but, in the opinion of the court, he is protected from the legal manslaughter, and if he does not act, he is hable death, he is liable to be indicted for murder or manslaughter, and if he does not act, he is liable to an indictment on information for neglect; he is therefore bound to hit the precise line of hi

Parke said, "I do not think it necessary to add anything," and Mr. Justice Taunton said, "nor do ling that the riot was sileged to be almost at his own door in the city, where he had his Marshall at hand—seeing the time that the period at which the original application and the period at which the offer was consummated, in the exercise of a sound discretion, he or his Secretary might have equired into the state of things then existing, or might have sent for the Marshall, who is properly an executive officer under his control. None would doubt the willingness of the Marshall to shay the into the state of things then existing, or might have sent for the Marshall, who is properly an executive officer under his control. None would doubt the willingness of the Marshall to obey the man from whom he holds his commission. He might have sent for the Marshall and desired to know from him if, with his posse, he could not put down this disturbance, which seemed to give the Mayor so much trouble; but he did not do it. The court of the were wounded, perhaps. It is some two or three were wounded, perhaps. It is not control were wounded, perhaps. It is not control were the way to be made to the property and the man or an opposing party to him, and he could not be held responsible to the law for murder. The representation made to the President, I believe, was that not only were these parties rioting, but I believe it was represented, also, that twenty-one were killed or wounded. Where did he get his information of the twenty-one? fore, there is no legal complaint against him for not and a false statement as to what had occurred

This decision having been made, Mr. Justice J.

marches to the ground. In the mean time, perfec peace, perfest quiet, perfect order, was prevailing here. With a single exception, of an affray with

here. With a single exception, of an annay more one Irishman, uninterrupted peace prevailed during the entire period after the morning affair.

When the Marines started from the barra ks, a parcel of boys from the Navy Yard followed them with an unloaded swivel. The Marines turned off to report to the Mayor at this place, and the boys whead of them with their piece. On the got shead of them with their piece. On got shead of them with their piece. On the ground in Seventh street they got powder and material, with which it is proved they charged it. But on getting on the ground they interfered with no one there; they made no riot; they ca sed no affray; and the voting went on. They took their station along the Market House, and so little at ention did they attract, that I think one ittle at ention did they attract, that I think one or more than one witness who passed on the opposite side of the street, came to the place of voting without noticing them. They were under the she ter of the Market House—a parcel of boys with a swivel. My friend, Mr. KEY, asked why the Commissioners did not complain of the presence of those boys. He might have answered his own question. If he had put on a pair of cromatic g'asses, by which he could have seen them in a proper light, he could have answered that they proper light, he could have answered that they did not con plain because the boys did not annoy them; they betook themselves to another place; they assaulted no one; they committed no disu bance; the voting went on; and that is the re so they did not complain. They had no cause to complain. Then the Marines took up their like of march, and the Mayor conducted them to were drawn up in line. The Mayor proceeds in advance of them to the polls, and he tells us that he found the polls closed; that he knocked at the window, but received no reply. He was informed that the Commissioners had absented themselves. He also tells us that he was received with deris on and scoffing, and his attempts to address the crowd were unavailing. Well, suppose they detided the Mayor—suppose the persons about there scoffed at him—does that make a riot? there scoffed at him—does that make a riot? Suppose George Wilson and William Wilson both said that the Commissioners had closed the polls, and that they should not be opened until the military were taken away, would that make a riot? They did nothing to resist the Mayor. What they said was expressive of their own feeling, their indignant feeling, I think justly indignant feeling, at the presence of the military. Did that constitute a riot? Why, the Commissioners were not there to respond to the Mayor. If Mr. KEY could make a riot out of it, he must show that the Commake a rlot out of it, he must show that the Com-missioners were there to be acted upon by what the Mayor said, to have their conduct influenced, because unless it was so it could not be said that these remarks were obstructing the Mayer. But the Commissioners were absent; they were not present to hear the Mayor, and they were inaccessible to he appeals. Because George and Wilsiam Wilson said the pollsbertlet of the control of th who was standing up on an elevated pla form whore he could really take no part in the affair, where he was expending his force upon the free air; it was not only a riot on the part of George and William William has been seen to be the seen and the second seen and the second seen are the second seen and the second seen and the second seen are seen as the second second seen as the second seen as the second second seen as the second se William Wilson, but of those, also, who were in charge of the swivel. The parties at the polls had nothing to do with the swivel. George Wilson had nothing to do with it. He was not near it. He had nothing to do with the riot, for that was taking place up above. This was a separate and distinct offence by distinct persons, and for a single pu pose. Gentlemen, I not only object to this firing into an innocent crowd, but to such platoon firing in courts of justice. Take your rifles in your hands and shoot a single bullet at the mark. Try your case with the precision that belongs to the law, and don't come here with

harge upon it. parties around this gun said they came

I think that was a lawful and excusable purpose, if such were the real purpose; but it was in a con-dition in which they could not fire the gun, with a cloth spread over it to protect it from the rain. Now, I am not going to stop to enquire into the ex-a:t position of the gun, whether as Hallack said, they attempted to touch it off or not. These discrepancies are inseparable from the case, and are proof of the integrity of the witnesses, cather than a ground for questioning their truth. No two men could come into court and give the same ac-count of that affair. But taking a general view of the testimony, fairly and impartially drawing a con-clusion from the whole, you are obliged to say that, up to a considerable time, at least, such was the crowd around that swivel, such its direction, and such its condition, that it was impossible to have used it in a hostile manner against the Marines. Mr. Merrill and Mr. Wallach tell us that with their own bands, while the Marines were drawn up before the polls, they turned its mustle towards the apprehend, that while some of the most violent were in charge of it, they turned around the gun, and a second and a third time turned it off. General Henderson said that he stood with his knee against the nuzzle, his purpose being to arrest the firing of the piece. He did this at the hazard of his own person, both on account of the parties concerned with the gun, and on account of the Marines whom he regarded in some respects as children of his household; and he scood there un-til the Marines get into a parties from which the children of his household; and he stood they til the Marines got into a position from which they could charge and take it. Major Tyler supposed could charge and take it. Major Tyler supposed that, from the time he first came in sight of this piece, it was turned upon him, and that, as he changed his position, the position of the piece was changed, so as to bear upon him. Certainly this account of the condition of the gun does not tally with the account given by the other witnesses. I do not impute intentional error to that gentleaim, I have no doubt, but that it kept turning upon him all the time, and following it disproved. We have a man here, who

Well now, gentlemen, contemplate the opposing parties. Some half dozen half-grown boys or hob-ble-de-hoys in pos ession of an old swivel upon a broken wagon, according to every fair probability spiked, so that it could not be fired, in hostile array upon the one side; some of them, perlans, with pistols in their pockets. I do not know with pistols in their pockets. I do not know whether they had or not, but possibly some of them had, and I give them all the advantage of the ad nission. The array on the one side, then, was this half dozen boys with this old swivel and their pocket pistols: upon the other side, not as my find said, with banners flying, fifes blowing, and drums beating, but without sound of trumpet or drum, without the flutter of a flag in the breeze, with deadly nuskets in their han is—I will excuse the officers of the Mavine corps; it was by order of their superiors—with ball curwas by order of their superiors - with ball car-tridge, containing a bullet and three buck-ho ray-I do not think the exact number was prove the trial, but the woun ed Marine told that was the number—with a complement of offi-cers, each with a musket and cartridge box I do not know how many cartridges were served out; ten at one time and ten at another. The boy with their pistols and their swivel; the Captain of the Marines, with his one hundred and fourteen armed soldiers; an interval of a short space separated t'em; each on the same highwaystreet. A message came, as was supposed, from the boys, but, as I think it has been proved, from a very different quater. But a message came, as was supposed at that time, from the party in charge of the cannon, telling the officer in com-mand that unless the Marines were taken from the

ground, the cannon would be fired. The half doz-en boys sent that message to the one hundred and fourteen Marinea! The bors, with the swivel and their pocket pistels, sent that defiance to the Marines, with mu-kets and ball cartridges, consist-ing of a bullet and three buckshot! Six to one hundred and fourteen! The gallant officer tells us that he replied to the message, instead of taking away the Marines, he would take the cannon; and immediately, upon his own "hook," he marched his Marines from his position before the polis and drew them up before the cannon; and that he gave the order to march with the purpose of at once firing upon the party as soon as he got into posi tion. Gentlemen, I do not know what your feel ings were when that testimony came out: I confess my human sympathies were shocked, that upon a defiance of that nature, from a parcel of headstrong youths and boys, that they would fire a miserable swivel upon one hundred and fourteen armed Marines, the idea could have entered into any man's head, upon that provocation, to fire upon them. Gentlemen, does it not prove how caut'ous magistrates should be in calling to their aid military power? Does it not prove upon what a dangerous arm the civil authority is made to

should not be opened. Mr. Key says they are guilty of a riot, by obstructing the Mayor it having them opened, when the Mayor tells you that he had no power to open them. Now, that is a curious sort of a riot. It was a riot in which there was nothing riotous said or done. Can you charge us with that riot? And was it not distinct from the morning riot. Had it any connection with the morning riot that was directed against the Irish legion—the unenlisted legion? This was directed in opposition to the Mayor in his attempts to have the polls opened. There is no connection at all, for a long as the nolls were along as the nolls were legal. the polis opened. There is no connection at all, for as long as the polis were closed, no man could vote, Native, Whig, Democrat, or Know-Nothing. If it was a riot, he could not allege it here, for he has not charged it against us. But, he says, this was not only a riot on the part of George Wilson, was not only a riot on the part of George Wilson, who was granding up on an clearated pla furnity of Marines it might, the danger was over; I am not accustomed to am no military man; I am not accustomed to arms; I am not a man of a military education; I am a civilian; but God forbid that any education should ever make me estimate the course which the officer said it was his intention to execute, as proper on such an occasion. He, however, after-wards abandoned that determination, and for what reason? Why, that if he had fired, he would have killed everybody about the cannon, not only the boys, but everybody else who might be about it. My blood almost ran cold when I heard him so picture to himself the scene about the market house: when I heard him say that he marched up with the design to order the firing. He change his intention, but he did not come up so as to out your rifles in your hands and shoot a single bullet at the mark. Try your case with the precision that belongs to the law, and don't come here with a scattering fire that is apt to kill at a point that the marksman has not in view.

But there was a riot about the cannon. How was the cannon brought there, and by whom? It is conceded that it was done by a parcel of boys, six, seven, eight, or ten, in number, at the outside. I do not believe anybody puts the number higher of those boys who were in charge of this swivel, which, in all probability, was spiked, so that it could not be fired, especially as it was surrounded by a crowd of citizens who were attempting to arrest them, with the muzzle at one the fired party. It is a great pity that he did not come up so as to out-final them and charge upon and capture the whole party. It is a great pity that he did not do so, for then you would have been none of this shooting. Though he said he did not come up so as to out-final them and charge upon and capture the whole party. It is a great pity that he did not do so, for then you would have been none of this shooting. Though he said he did not come up so as to out-final them and charge upon and capture the whole party. It is a great pity that he did not do so, for then you would have been none of this shooting. Though he said he did not come up so as to out-final them and charge upon and capture the whole party. It is a great pity that he did not do so, for then you would have been none of this shooting. Though he said he did not consider it his intention, but he did not come up so as to out-final them and charge upon and capture the whole party. It is a great pity that he did not come up so as to out-final them and charge upon and capture the whole party. It is a great pity that he did not come up so a ten party. It is a great pity that he did not come up so as to out-final them and charge upon and capture the whole party. It is a great pity that he did not come up so a ten party. It is a great pity that he did not com surrounded by a crowd of citizens who were attempting to arrest them, with the muzzle at one time down the pavement, at another time turned off from the street toward the market-house away from the polls, and away from the Marines. We had in the crowd around it, Mr. Richard Wallach, Mr. Carlisle, and a gallant old general, who, to the misfortune of this community, had not charge of them to get rid have been less trouble to shoot them than to take them. However, I do not attribute such feelings to the worthy gentleman; but I think the worthy domain pressed his knee upon the muzzle, and kept it there until the Marines got into position to swivel in the hands of those boys as a trophy of the occasion. He had one hundred and fourteen Marines armed with muskets and bayonets, The parties around this gun said they came there for no purposes of offence, "we come here charged with cartridges containing a bullet and to attack no one;" but then it was also said we three buckshot each, on the first day of June, in have brought it here to defend ourselves if we are the year of our Lord, 1857, on Seventh street in the city of Washington, and he charged, gal lantly charged, and victoriously conquered some half dozen boys with a swivel that could not be fired! That is an achievement! They charge in gallant style, in a manner which has been described as running at the top of itheir speed across the street; no doubt each man vied with the other for the honor of being first to cross a bayonet over that cannon. There was no attempt made to catch the boys. The Marines came across at a charge, and the moment the boys saw the gleam of the bayonets, they ran. Of course they might be expected to run. They could not be expected to withstand a platoon of Marines. And as they ran some of them pitched stones at the Marines. I think one witness saw a stone strike a bayonet of one of the Marines; some shot includes the Marines, could be transported by the Marines and the Marines are the Marines and the Marines are the Marines are the Marines are the Marines and the moment the boys saw the gleam of the bayonets. No manure is so well worth the saving in October and November as the falling leaves of the season. According to Payen, they contain nearly three times as much nitrogen as ordinary barn yard manure; and every farmer who bayonet over that cannon. There was no attempt pistols at the Marines; according to a great many witnesses, one pistol; according to there, several; and according to Major Tyler, there were fifty or sixty. Be that as it may, when the Marines charged bayonets and drove the boys away, in the true spirit that belongs to our race, they determined to show some little spunk on away, in the true spirit that belongs to but had, they determined to show some little spunk on the occasion, and some pitched stones and some took out their little pocket pistols and popped away. The Marines, according to my comprehension of the word, did not stand fire. Gallant sion of the word, did not stand fire. men, soldiers, would never have shot p

ously at flying boys or into a crowd. Well trained veterans stand the crack of a pistol undisturbed, but here they fired their deadly muskets into the purty of spectators. The gallant sol-diers stood in battle array, armed with muskets, and performed the glorious achievement of firing their deadly weapons upon flying boys, killing, not the boys, or the parties engaged in the muss, but a poor innocent negro, who was passing quietly far away from the scene of this disturbquietly far away from the scene of this disturb-ance; yes, they shoot, kill, maim, and wound, God knows how many others. Aye, gentlemen, it was a gallant action. There was such equality it was a gallant action. between the partie! man—no one would be found cating such an im-putation upon him; but we all know how liable hund ed and fourteen Marines, well officered and nen are to misconseive facts under circums and s armed, had beaten half a dozen flying boys, who of excitement. Now that, at some period of the popped their pistols in their retreat. It was transaction, Major Tyler saw that gun turned upon great achievement to capture their cannon; catch them was not the business of soldie s. The Il the time, and following him up, is most gallant act of all was to shoot them down We have a man here, who was with as they ran away. It happened that one of those the gun, who turned its muzzle in another direc-pocket pistols took a marine in the face and tion, who stood around it, and who shows that for wounded him in the cheek—not dangerously, but a great part of that time, it was impossible for it drew blood, and no doubt made him present that party to use it, if they desired to do so. quite an awful appearance to his comrades. He was shot in the face. I expect he was a gallant Well, gentlemen, to return to the Marines. I left them, gentlemen, in my argument, standing down at the corner of I street, where they were left by the Mayor. We presently find them moved to a position in Seventh street, opposite to the polls, without any order from the Mayor. My worthy friend, the Captain, was then acting, according to his own words, on his "own hook." He thought I street was the precinct, and finding his mistake, he moved his military band and stationed them in front of the polls, and then proclaimed them in front of the polls, and then proclaimed them in front of the polls, and then proclaimed them in front of the polls, and then proclaimed them in front of the polls, and then proclaimed them in front of the polls, and then proclaimed them in front of the polls, and then proclaimed them in front of the polls, and then proclaimed them in front of the polls, and then for a doubt staggered, and he falls down upon his mistake, he moved his military band and stationed them in front of the polls, and then proclaimed them in front of the polls, and then pro

his rear, turned to see what was the case of it, and beheld men falling, and dying, are weltering in their blood, on the pavement at Allston's corner, and the deadly muskets of the next platoon ready to fire. He tells us he ran down the line, and most fortunately arrested that second fire, and demanded from the second in command what caused the firing. Gentlemen, you remember his answer. One of his men had been shot in the face, and thereupon the Marines fired. He did face, and thereupon the Marines fired. He did not say, according to my recollection, that Cap-tain Maddox ordered them to fire, but that was tain Maddox ordered them to fire, but that was the excuse for the firing. The wounded marine, from the affray about the swivel, had fallen back on his line, his bloody face was exhibited to his comrades, and instantly the cry of "fire" is heard, and these parties plunge their fire, not into the offending, the armed party, but into citizens, spectators, many of whom, according to the proof, were drawn to the scene with the Marines themselves. At that fire Allston fell in his own doorway. Why was that fire delivered? If it was ordered, where is the officer that ordered it? ordered, where is the officer that ordered it? Had it been an order by an officer, the men hav-ing been proved to have stood under arms, I sup-nose the order would have been, "right, aim, pose the order would have been, "right, aim, fire," in military style. But there is no proof of that. It was a rabble fire, the work of a mob, a military mob, without the sanction of official

THE FARMER.

"A gentleman of Spartanburg, S. C., urges the planting of the black locust (Pescudacacia) or common locust of the mountains—in rows, to serve instead of fences. The cost of the fences in the United States is estimated at the fences in the United States is estimated at the enormous sum of \$1,571,209,000, and the cost of the annual repairs at \$238,080,000. The consumption of timber is therefore very great, as is the labor bestowed upon the making and

epair of fences.

The writer says that the locust is a tree of rapid growth, large size, great durability, adapted to all climates and localities, requiring no labor of trimming, casting but little shade, and which no beast will bark or destroy. It may be propagated with ease, either from seed or sprouts; when young, is defended by a short stiff thorn. After clearing and plowing the ground deeply for five or six feet on each side of the proposed fence, the writer proposes to plant the seed in a row, about five inches apart, at any time when the ground is not fro

"At the end of three years (says the writer) they should be from five to eight feet high, and from an inch to an inch and a half in diameter a the root. Even at this age, armed as they are with the root. Even at this age, armed as they are with a sharp thorn, they will constitute a formidable hedge. But they will grow on and on, until, in a few years, they will come solidly together! Unable to extend lengthwise of the line, they must spread out laterally. Thus, in the course of time, they will form a solid wooden wall around the whole enclosure, from one to two feet thick—too formidable to be bro-ken down, too high to be overleaped, too thick and hard to be even chopped through without immense labor! But thus surrounded, what better protection need the planter or the orchardist desire for his crops, his fruits, or his

various kind of stock? "How long a hedge or wall of this kind would continue to live and grow, has never been fully tested. It might be for a century, for aught any man can foresee. Considering the durability of the timber-such that no man expects to live to see a Black Locust stump decay—it may be well supposed that, after the death of all the trees, their trunks may remain "a wall of defence" for at least half a century longer? From one to two hundred years may, then, be sat down as a probable term during which those fearless and moveless guards will maintain their position. It is proper, also, to add that the Locust is an orna mental tree—excelling at once in the symmetry of its structure, the delicacy of its leaves, and the beauty of its flowers.

Hints to Farmers.

Toads are the best protection of cabbage gainst lice. Plants, when drooping, are revived by a few

grains of camphor.

Pears are generally improved by grafting on the mountain ash.
Sulphur is valuable in preserving grapes, etc., from insects.

Lard never spoils in warm weather, if it is In feeding corn, sixty pounds go as far as one hundred pounds in the kernel.

Corn meal should never be ground very fine,

t injures the richness of it. Turnips of small size have double the nutri-

Rats and other vermin are kept away from grain by sprinkling of garlic when packing the sheaves. Money expended in drying land, by draining

To cure scratches on a horse, wash their legs with warm soap suds, and then with beef brine Two applications will cure the worst cases. Timber, when cut in the spring, and exposed

to the weather with the bark on, decays much sooner than if cut in the fall. Wild onions may be destroyed by cultivating orn, plowing and leaving the ground in the

No manure is so well worth the saving in October and November as the falling leaves of has strewn and covered them in his trenches late in the fall, or in December, must have noticed the next season how black and moist the soil is that adheres to the thrifty young beets he pulls. No vegetable substance yields its woody fibre and becomes soluble, quicker than leaves, and from this very cause they are soon dried up, scattered to the winds and wasted, if not gathered and trenched in, or composted before the advent of severe winter

As leaves are poor in carbon and rich in alka-line salts, as well as nitrogen, they are espicially valuable in compost with manbaden fish manure and dead animals, poor in potash, but abounding in carbon and lime phosphate. But the great value of leaves is in the extra nitrogen they contain. Prof. Jackson truly says that the compounds of nitrogen not only de-compose readily themselves, but they also in-duce the elements of other organic matter with which they are in contact, to assume new forms, or to enter into new chemical combinations; and according to the long continued and varied Rothbamsted experiments of the indefatigable Gilbert, nitrogen, in its com-Lawes and Dr. pound form, (ammonis,) also exerts the same potent influence on the inorganic or mineral elements of the soil, rendering even sand into the soluble food of plants. Yet every farmer or gardener ought also to know that hi own mechanical aid in trenching or plowing, in rder to keep his soil permeable and absorptive, is indispensable to aid nature in developing her chemical process.—Rural New Yorker.

A western New York farmer writes as fol

From the Boston Journal. THE MIDNIGHT STOK Grim and gaunt—alone, alone— The Midnight sat on his ebon throne; His throne of clouds that ever and aye
His throne of clouds that ever and aye
Sweeps slowly adown the western sky.
Grand and gloomy, around his form
He wrapped the folds of the wasting stor
The storm, whose fringes thro' the air,
Were heavily trailing everywhere;
Trailing on earth and over the main,
With a second that second like With a sound that seemed like the rush of a Back with a mighty grasp he flung His gusty locks, where darkness hung In silence and mist o'er spirits dread, Who chill the living, and wake the dead And they rose from their dreams of rest, to fright The holy stars, and the solemn night; To curse with a revery loud as hell's, With horrible laughter, shouts and yells, To rend the ear of the sleeping world; While over its bosom they madly whirled. In dances rapid, in circles vast, In mazes giddy, with feet of the blast; Ever and ever more swift their speed, Round and round, o'er valley and mead, Up through the gloomy, heavy air. Shrieks resounding everywhere,

But hush! hark! The giant has smote in his sudden wrath The spirits of wind, and their furious path Is the path of scattered and flying hosts-Armies of dim, impalpable ghosts, Whose wailings of woe, and cries of despair, Ring fearfully out on the stormy air; They wearily moan, they sigh and they groan, But the midnight still alone, alone, Sweeps slowly adown the dusky sky, Where the silent realms on its borders li-The realms where the day and the sunlight die; And the dark, like some bird with mighty wing, Broods solemn and still o'er everything. 'Twill soon be o'er; for the spectre form Grand and gloomy, gathers the storm Closer and closer to his breast, As he nears the gates of the waiting West, And feels the breath of eternal rest. It steals o'er the midnight's brow of gloom, And into his heart, with a sense of doom; And he sinks in shadow and mist away, To brood with the Dark o'er the sleeping Day. While the spirits rise in circles vast, In dances giddy, upon the blast, And shriek and shout to chase afar The clouds, before the morning star.

Till they awung on the floor of the hurrie

With a sound that seemed like the roar of rain

Swaying o'er earth and over the main,

From the Louisville Journal. TO MY MOTHER,

RIOR TO VISITING HER ON MY FORTIETH BIRTH-DAY. I would that I were kneeling with thee now,
Mother, dear mother! at thy evening prayer
With love's most holy light upon thy brow!
I would that I were kneeling with thee there
As pure in heart as when I left thy home,
With sinless dreams, in the great world to roam!

Long years have fied away since then-long years!
And much of toil and suffering has been mine;
Yet has life's struggle wrung from me no tears.
Save when, dear mother, I have thought of thineTears for the wanderer in a distant land,
With few to chear as take him. ith few to cheer or take him by the hand

And thou since then art old! yet is thy heart
All young and fresh as in the month of May!
For with the worldly thou hast played no part,
Content in lowly life to hold thy way,
Where joyless eyes e'er turned to thee in gladness,
And saddened hearts e'er bless thee in their sadness.

O, mother mine! in the still evening hour,
When the bright stars their wonted places take
And pour mild radiance over field and flower
And sleeping stream, I know that thou dost wake:
I hear thy voice! thy messengers of prayer
In spirit-march float round me in the air!

I hear thy voice e'en now! its accents low Come like a murmur to my listening ears! I see thee bending with an upraised brow, I see thy clasp'd hands and thy trembling tears! Those trembling tears thine eyes' soft light gleams through,
As gleams the starlight through the trembling dew !

I hear and see thee! as ofttimes ere now, In my far childhood, in my distant youth, In the first days when manhood flushed my brow, Thou taught'st of Heaven, of virtue's ways, of

And prayed'st that blessings on my head might Mother, I come! kneel with thy child again!

There is no excuse for profane language; many use it out of bravado, desiring to appear manly, but no excuse can be offered for such outrages upon decency, and any rebuke is

It is related by Dr. Soudder, that on his return from his mission in India, after a long absence, he was standing on the deck of a steamer, with his son, a youth, when he heard a gentleman using loud and profane language. "See, friend," said the doctor, accosting the swearer, "this boy, my son, was born and broug t up in a heathen country, and a land of pagan idolatry; but in all his life he never heard a man blaspheme his Maker, until now."
The man colored, blurted out an apology, and leaked not a little ashamed of himself." looked not a little ashamed of hi

A SENATORIAL DEAD-HEAD. - Senator Gwin, having been accused of accepting favors from the Pacific Mail Stramship Company, the San Francisco Globe comes to the rescue and ad-mits that he travels free of charge in the Company's steamers, as all other members of Congress do; and the Globe adds, "as they have a right to do if the Company chooses to accord the privilege to them." All very true. But as Senator Gwin receives some five thousand dollars for travelling expenses, it would look quite as well if he paid his way on board of steamers that are dependent upon his vote for the amount of compensation they receive for carrying the United States mails. Members of Congress ought not to put themselves in a suspicous position when there is so very little to be gained by it.—N. Y. Times.

It will be borne in mind that the Legislature of Missouri is Democratic. This is another or Missouri is Democratic. This is another specimen of the way the Democratic party is paying off the Catholic Church for the influence it wielded in compelling every Catholic voter to vote with that party. The refusal to charter a Protestant College, and at the same time charter a Convent, and exempt it from taxation, is about as imfamous as the course pursued by the Democratic Council of New York City, when it refused to give four lots to a Protest-ant Orphans' Asylum, and then turned around and donated thirty-six lots to a Catholic Insti-tution.—Cleveland Leader.

The Janesville (Wisconsin) Independent announces the arrival in that place of Mr. announces the arrival in that place of Mr. Tracy and his party of young women, and their disposal. A charge of ten dollars was made for each person, the money to be paid by the employer and to be deducted from the future earnings of the young women. The Free Church was thrown open; the young women occupying the seats in rows, some of them crying. Customers then walked along the range with perfect coolness, examining their condition one by one, and as they found one suitable, they planked the cash and carried off the prize. ried off the prize,

"Sir," said a pompous personage, who once undertook to bully an editor, "do you know that I take your paper?" "I have no doubt that you do take it," replied the man of the quill, "for several of my honest subscribers have been complaining lately about their papers being stolen in the morning."

"Pray Miss C.," said a gentleman, the othe evening, "why are the ladies so fond of officers?" "How stupid," replied Miss C.; "is it not perfectly proper and natural that a young lady should like a good offer, sir?"

The Texas Legislature has passed a bill which allows free colored persons who may de-sire it to select masters and become slaves.